measure, and is inserted alongside the blade. The attachment described in Mackie is affixed within the knife by means of the same screws and mounting recesses that hold the blade, and the attachment is inserted by uncoupling the two halves of the knife, placing the attachment into the blade recess so that it overlaps the blade, reassembling the knife and retightening the screws. Significantly, the Mackie attachment prevents inserting the blade into its full depth in the surface to be cut, as shown in figs. 1-3. Also significantly, for bi-directional use without disassembly and reassembly of the knife, the user would have to carry and assemble/disassemble two of the attachments as described by Mackie, which, in addition to being inconvenient, creates a knife with an increased profile.

In contrast to Mackie, Applicant's invention is a utility knife (as opposed to the attachment described in Mackie) having an integrated open-ended hook, which accommodates various sizes of tape measure tabs (Figs. 1 and 2, and in the Specification on p. 5, para. 3). Also in contrast to Mackie, Applicant's knife itself holds the tape measure, allowing the blade to be inserted into the surface to be cut to its full depth (as shown in Fig. 1), which can eliminate the need to make repeat cuts and which facilitates the use of a tape measure in conjunction with cutting thicker materials than plasterboard, such as foam insulation. Applicant's integrated design also allows more pulling force to be used on the tape measure, as Applicant believes its hook to be stronger than the attachment shown in Mackie (described as a relatively thin plate, col. 2, line 53). Significantly, Applicant's hook is fixed and cannot come loose, as opposed to the attachment described in Mackie. Applicant further notes that Applicant's hook may be used from either the left or the right of the knife, providing bi-directional use without an increased profile or disassembly/reassembly, in contrast to the knife attachment of Mackie.

In addition, Applicant's device contrasts with that of Mackie in that the slot of Applicant's utility knife can accommodate varying flange dimensions, as the tape flange fits into a three-sided hook, instead of a 4-sided rectangular slot, as described by Mackie at col. 3, line 33. Additionally, the attachment described by Mackie requires disassembly of the utility knife for use, whereas Applicant's invention is inherent in the knife design and does not require reassembly of the knife for use. This provides the additional advantage that no small parts must be accounted for.

Lastly, the utility knife of the invention does not contain any parts extending from its sides, which creates a smoother profile than the knife disclosed in Mackie, which, when assembled, could catch on clothing or other items.

Thus, Mackie does not teach or suggest a utility knife, or a knife adapted with an integrated, bi-directional hook, or a hook with an open end for accommodating variously sized measuring tape tabs, or a design which allows for full insertion of the blade into the surface to be cut, or a design where no additional parts or assembly are required to hold the tab. Accordingly, Applicant submits that Mackie does not make Applicant's invention obvious.

The Examiner also states that Applicant's invention is obvious in light of Mackie in view of Coffey. The Examiner states Coffey to describe a space with an open end located on the bottom surface of the utility knife (Office Action Section 7). Applicant respectfully submits that the opening in Coffey is located on the top of the knife (Figs. 1 – 3 and in the description). This difference is significant, for the reasons set forth below.

Coffey describes a utility knife with a slot of fixed dimensions (col. 3, line 37) located in the top of the knife and oriented parallel to the length of the knife (col. 2, line 63) for holding a measuring tape tab, wherein the tab is affixed in place in one direction by means of a screw. The slot of Coffey, although having an opening through which to insert a tab, is bounded on all four sides, which limits the size of the tab that may be inserted.

Applicant respectfully submits that Coffey does not disclose a knife with a bi-directional, open-ended hook located near the front and bottom surface of the knife which holds a tape measure in close and approximately parallel orientation to the surface to be cut. The location and orientation of the slot are very important to the success of Applicant's invention, as discussed below. Also, Applicant's hook is bounded on three sides (as opposed to Coffee's four), which allows Applicant's invention to accommodate hooks of varying dimensions.

When cutting with utility knives, the knife is held at an angle to the surface to be cut, generally between approx. 45 and 90 degrees. As noted in the discussion of prior art in the Applicant's Specification (p. 3, first full paragraph) the knife disclosed by Coffee causes the tape measure to be held in a fixed and parallel orientation along the *top* longitudinal surface of the knife (col. 3, lines 33-35 of Coffey).

In explanation, imagine a right triangle with a first side defined by the distance from the slot to the surface to be cut, a second side defined by the distance to be measured and the

hypotenuse defined by the distance from the slot to the endpoint to be measured. In the invention described by Coffey, the length of the first side is greater than the length of the first side in an invention where the slot is located on the bottom of the knife, as described by Applicant. The difference is approximately the height of the knife, from the bottom to the top. This distance creates an inaccuracy in the measurement that must be accounted for by the user during cutting. *In fact, Coffey notes this disadvantage in his patent at col. 3, lines 50 –55.* Applicant's invention minimizes this inaccuracy by decreasing the distance between the tape and surface to be cut. Applicant places the hook very close to the front of the knife, angles the hook with respect to the bottom of the knife so that the measure is held approximately parallel to the surface and can be easily read, and, importantly, places the hook close to the bottom, as opposed to the top of the knife, so that the distance between the measure and the surface to be cut is minimized.

Lastly, the tape measure tab must be screwed into place in the design of Coffey, thus causing a time consuming step when using the Coffey device, or switching from one side to another.

Accordingly, Coffey does not cure the deficiencies of Mackie in that the combination does not teach or suggest an integrated, bi-directional hook with no additional parts or assembly required, or a hook with an open end for accommodating variously sized measuring tape tabs, or a design which maximizes accuracy by holding the tape measure in close and approximately parallel orientation to the surface to be cut.

Applicant thus submits that in light of the amendments to the specification, the new claims and the arguments set forth above, the Examiner's rejections may be withdrawn.

Sincerely,

ARIC DEGABU 10/7/05

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